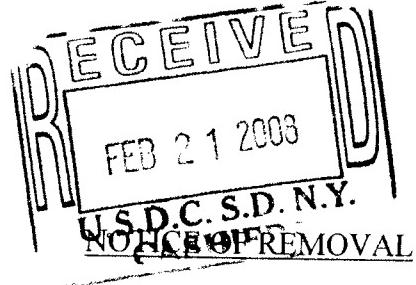


LONDON FISCHER LLP
Attorneys for Defendant
NILT, INC.,
59 Maiden Lane
New York, New York 10038
(212) 972-1000

MATTHEW K. FINKELSTEIN (MKF- 6029)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
YVETTE FAULKNER



Plaintiff,

-against-

Civil Case No:

JEAN PIERRE JUDES, a/k/a JUDE JEAN-PIERRE and
NILT, INC., a/k/a NISSAN INFINITI LT.,

Defendants.

-----x
**TO: THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Pursuant to 28 U.S.C. §§ 1441 and 1446 et seq., defendant NILT, INC., a/k/a NISSAN INFINITI LT., ("NILT") respectfully removes to this Court the within action, which was commenced in the Supreme Court of the State of New York, County of Bronx, under Index Number 15704/07. As grounds for removal, NILT, by its attorneys, London Fischer LLP, respectfully states:

1. Plaintiff commenced this action by purchasing an index number in the Supreme Court of the State of New York, County of Bronx. On October 9, 2007, NILT was served with a Supplemental Summons and Complaint. Copies of the Supplemental Summons and Verified Complaint are annexed hereto as Exhibit "A." The Verified Complaint asserts causes of action by

YVETTE FAULKNER sounding in negligence, and plaintiff seeks damages "in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein". See Exhibit "A". NILT further states that the case as alleged in plaintiff's Summons and Verified Complaint is not removable because the pleading fails to state the amount in controversy. See Exhibit "A."

2. On or about November 1, 2007 NILT interposed an Answer to the Complaint. A copy of the Answer is annexed hereto as Exhibit "B".

3. On or about December 3, 2007, Defendant JEAN PIERRE JUDES, (“JUDES”) served an Amended Verified Answer to the Amended Verified Complaint. A copy of the Amended Answer is Annexed hereto as Exhibit “C”.¹

4. This is a civil action in which the United States District Court has original jurisdiction by reason of the diversity of citizenship of the parties pursuant to 28 U.S.C. § 1332. The Verified Amended Complaint indicates that plaintiff is a citizen of the State of New York, and resides in Bronx County. See Exhibit "A".

5. At the time of the service of the Summons and Verified Complaint, defendant NILT was, and still is, a corporation duly organized and existing under the laws of the State of Delaware, having its principal place of business at 333 Commerce Street, Nashville, TN 37201.

6. According to the Summons, defendant JEAN PIERRE JUDES is a citizen of the State of Connecticut. See Exhibit "A".

7. Defendant further states that it first received notice of this lawsuit from Corporation Service Company after the Summons and Complaint was served upon NJLT

¹ This is the only pleading from JUDES which has been served upon Nilt.

8. Concurrently with the service of its Answer, NILT served a Demand Pursuant to CPLR 3017(c) for plaintiff to serve a Supplemental Demand setting forth the total damages to which the plaintiff allegedly is entitled to recover. A copy of the Demand is annexed as Exhibit "D".

9. On February 4, 2008, defendant NILT received plaintiff's Response to Supplemental Demand for Relief. A copy of the response is annexed hereto as Exhibit "E".

10. As stated in plaintiff's Response, the amount in controversy in this action is "Five Million Dollars (\$5,000,000)," an amount greater than \$75,000, which is required for diversity jurisdiction.

11. This Notice of Removal is filed within 30 days of receipt of Notice from plaintiff that diversity jurisdiction exists in this action. Accordingly, this action may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441.

12. On January 17, 2008, a Preliminary Conference was held. A copy of the Preliminary Conference Order is annexed hereto as Exhibit "F".

13. The documents annexed hereto constitute "all process, pleadings and orders" known to have been served upon Defendant and by Defendant in the aforesaid action, within the meaning of 28 U.S.C. § 1446(a).

14. A written notice of the filing of this Notice of Removal will be served upon all adverse parties as required by 28 U.S.C. §1446(d).

15. A copy of this Notice of Removal will be filed with the Clerk of the Supreme Court of the State of New York, County of Bronx, as provided by 28 U.S.C. §1446(d).

16. Pursuant to Rule 11 of the Federal Rules of Civil Procedure, the undersigned counsel certifies that she has read the foregoing Notice of Removal, that, to the best

of her knowledge, information and belief formed after reasonable inquiry, it is well-grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation.

WHEREFORE, NILT prays that this action be removed to the United States District Court, Southern District of New York.

Dated: New York, New York
February 20, 2008

LONDON FISCHER LLP

By:


Matthew K. Finkelstein (6029)
Attorneys for Defendant
NILT, INC., sued incorrectly
herein as NILT, INC. a/k/a
NISSAN INFINITI LT.
59 Maiden Lane
New York, New York 10038
(212) 972-1000

To: Steven C. Falkoff, Esq.
Rosenberg, Minc, Falkoff & Wolff, LLP
Attorneys for Plaintiff
YVETTE FAULKNER
122 East 42nd Street, Suite 3800
New York, New York 10168-0068

Andrea L. Cru, Esq.
LAW OFFICE OF MARY A. BJORK
Attorney for Defendants
JEAN PIERRE JUDES, a/k/a
JUDE-PIERRE
Executive Boulevard, 3rd Floor
Younkers, New York 10701
(914) 966-5058

10/20 OCT. 24, 2007 9:19AMAX OKIO MARINE MGMT

NO. 4163 P. 7/15^{1/011}SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

XYETTE FAULKNER

Plaintiff

Defendant

JEAN PIERRE JUDES, a/k/a JUDE JEAN-PIERRE,
and NILT, INC., a/k/a NISSAN INFINITI LT.

Defendants

Index No: 15704/07

Filed On: 5/29/07

Re-filed on: 9/26/07

SUPPLEMENTAL
SUMMONSPlaintiff designate
Bronx County as the
place of trial.The basis of venue is the
residence of plaintiff and
the place of the within
occurrence.Plaintiff resides at
215 Alexander Ave.
Bronx, New York 10454

To the above named Defendant(s):

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you with the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York,
September 25, 2007.

KERNER & KERNER

By:

Richard A. Kerner
Attorneys for Plaintiff
Office & P.O. Address
74 Trinity Place
New York, NY 10006
(212) 964-1098

385-9072

Defendant's address:

117 Maple Avenue
Stamford, Connecticut 06902

10/24/2007 9:19AM MAX OKIO MARINE MGMT

NO. 4163 P. 8/15/011

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

YVETTE FAULKNER,

*Plaintiff,**against*AMENDED
VERIFIED COMPLAINTJEAN PIERRE JUDES, a/k/a JUDE JEAN-PIERRE and
NILT, INC., a/k/a NISSAN INFINITI LT,*Defendants.*

Plaintiff, YVETTE FAULKNER, by her attorneys, KERNER & KERNER, complaining of the defendants, JEAN PIERRE JUDES, a/k/a JUDE JEAN-PIERRE and NILT, INC., a/k/a NISSAN INFINITI LT, upon information and belief, respectfully set forth and allege:

DKI
 1. That at all times hereinafter mentioned, plaintiff YVETTE FAULKNER was and still is a resident of the Borough and County of Bronx, City and State of New York.

DKI
 2. That at all times hereinafter mentioned plaintiff YVETTE FAULKNER was an operator of a certain motor vehicle.

A
 3. That at all times hereinafter mentioned defendant NILT, INC. (hereinafter "NILT"), also known as NISSAN INFINITI LT was and still is a corporation organized and existing under and by virtue of the laws of the State of Delaware and authorized as a foreign business corporation to do business by and in the State of New York.

*DKI, on the grounds
that the pleadings
are sufficient
Identifying information
to permit the
defendant to plead
otherwise* →
 4. That at all times hereinafter mentioned NILT was the owner of a certain motor vehicle bearing 2007 Connecticut license plate number 221UPM.

→
 5. That at all times hereinafter mentioned, defendant JEAN-PIERRE JUDES, a/k/a JUDE JEAN-PIERRE (hereinafter "JEAN-PIERRE"), was the operator of the said motor vehicle, owned by co-defendant NILT.

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NO. 4163 P. 9/15/011

Some →

6. That at all times hereinafter mentioned the said motor vehicle owned by defendant NILT was operated by co-defendant JEAN-PIERRE with the permission and consent of the said owner thereof.

DKI

7. That at all times hereinafter mentioned, the Bruckner Expressway, in the vicinity of Lafayette Avenue, in the Borough and County of Bronx, City and State of New York, were and still are public highways for use by members of the public for purposes of traveling and transportation.

D

8. That on or about the 1st day of May, 2007, at approximately 2:10 P.M., while plaintiff YVETTE FAULKNER and defendant JEAN-PIERRE, was so operating his motor vehicle, as aforesaid, on the Bruckner Expressway, in the vicinity of Lafayette Avenue, in the Borough and County of Bronx, City and State of New York, the said defendant did come into contact with, strike and/or collide with each other, as a result of which plaintiff YVETTE FAULKNER was precipitated in the aforesaid vehicle in which she was an occupant, causing said plaintiff to sustain severe and serious injuries as more fully hereinafter set forth.

D

9. That the said occurrence and resulting injuries to plaintiff YVETTE FAULKNER were caused in no way by the negligence of said plaintiff, but wholly and solely by reason of the negligence of the defendants, in that the said motor vehicle of defendants was operated and controlled in a careless, reckless and dangerous manner; in that defendant JEAN-PIERRE did operate his aforesaid motor vehicle at a high, excessive and unlawful rate of speed; under the circumstances, and did fail and neglect to exercise reasonable care in the premises or to properly control said motor vehicle; in that said defendant did fail and neglect to take notice of the motor vehicle of said plaintiff, or to give any signal or warning of his approach, or to stop, slow down or otherwise control said motor vehicle so as to prevent damages and injuries to others in other motor vehicles, of which class said plaintiff were members; in that said defendant did fail and neglect to observe the proper flow of traffic at the place of the occurrence; in that said defendant failed to keep a proper lookout; in that said defendant did violate the applicable laws, statutes, ordinances, rules and regulations relating to safe driving in the City and State of

10/24/2007 9:19AMAX OKIO MARINE MGMT

NO. 4163 P. 10/15⁰¹¹

New York; in that said defendant did operate the aforesaid motor vehicle with defective brakes, braking devices, steering mechanisms and/or other safety appliances, equipped or required to be equipped on said motor vehicles; in that said defendant did not have the said motor vehicle under proper control at the time and place of the within occurrence; in that defendants' motor vehicle struck the plaintiff's motor vehicle in the rear; in that defendants were negligent under the doctrine of res ipsa loquitur; and that said defendants were otherwise careless and negligent under all of the circumstances.

D 10. That the accident and injuries occasioned to plaintiff YVETTE FAULKNER resulting therefrom, were caused solely by the negligence on the part of defendants, without any negligence on the part of plaintiff contributing thereto.

D, and respectfully refers all questions of law to the court. 11. That solely as a result of the aforesaid negligence of defendants, plaintiff YVETTE FAULKNER was personally injured and suffered serious injuries as defined in Section 5102(d) of the Insurance Law of the State of New York ("Comprehensive Automobile Insurance Reparations Act") and the applicable New York laws pertaining thereto.

D 12. That as a result of the foregoing, plaintiff YVETTE FAULKNER suffered, and will continue to suffer, basic economic loss, as well as other economic losses and special damages.

D 13. That as a result of the foregoing, plaintiff YVETTE FAULKNER was injured both internally and externally, and that she became sick, sore, lame, and disabled and so remains; and upon information and belief, that her injuries are and will be permanent and progressive in their nature, and competently caused aftereffects; and that plaintiff did and still continues to have pain and to suffer from the injuries sustained by her, and was hospitalized and did and will continue to receive hospital and medical treatment and attention, all in an endeavor to cure herself of the injuries sustained herein, and that money was and will necessarily continue to be spent and obligations incurred for hospitalization, medical and nursing aid and attention, all in an endeavor to cure or alleviate her suffering.

10/20 OCT. 24, 2007 9:19AMAX OKIO MARINE MGMT

NO. 4163 P. 11/15 011

Sure
11
16027
14. That this action falls within one or more of the exceptions set forth in CPLR

D
15. That as a result of the foregoing, plaintiff YVETTE FAULKNER sustained damages in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein.

WHEREFORE, plaintiff YVETTE FAULKNER demands judgment against defendants JEAN PIERRE JUDES, a/k/a JUDE JEAN-PIERRE, and NILT, INC., a/k/a NISSAN INFINITI in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein, altogether with the costs and disbursements of this action.

KERNER & KERNER

By: _____
Richard A. Kerner
Attorneys for Plaintiff
Office & P.O. Address
74 Trinity Place, Suite 1402
New York, New York 10006
(212) 964-1098

10/20 OCT. 24, 2007 9:20AMAX OKIO MARINE MGMT

NO. 4163 P. 12/15 041

ATTORNEY'S VERIFICATION

STATE OF NEW YORK

ss.

COUNTY OF NEW YORK

Richard A. Kerner, an attorney, duly admitted to practice law before the Courts of the State of New York, under penalties of perjury, affirms:

1. I am associated with the attorneys for the plaintiff in the above referenced matter and as such am fully familiar with all of the facts and circumstances hereinafter set forth.

2. I have read the annexed Amended Complaint in the within matter and know the contents thereof to be true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon books, records, documents, papers, etc. contained within my file herein.

3. The reason I make this affirmation instead of plaintiff is because plaintiff resides outside of the county where your affiant maintains his office.

Dated: New York, New York,
September 25, 2007.



Richard A. Kerner

10/24 OCT. 24, 2007 9:20AM AX TOKIO MARINE MGMT

NO. 4163 P. 13/15⁰¹¹ALL STATE LEGAL
07161-BF-07333-PL-9999-09-07161-NY
DOD/2005/07/2005/07/2005@allstatelegal.com

Index No. 15704/07 Year 2007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

YVETTE FAULKNER,
 Plaintiff,
 -against-
 JEAN PIERRE JADES, a/k/a JUDE JEAN-PIERRE,
 and NIIT, INC.; a/k/a NISSAN INFINITI LT,
 Defendants.

SUPPLEMENTAL SUMMONS AND AMENDED VERIFIED COMPLAINT

KERNER & KERNER
 Plaintiff

74 TRINITY PLACE
 NEW YORK, NEW YORK 10006-2101
 (212) 964-1090

Pursuant to 22 NYCRR 130.12, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous.

Dated: September 25th, 2007

Signature

Richard A. Kerner

Service of a copy of the within

is hereby admitted

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

NOTICE OF
ENTRY

that the within is a (certified) true copy of a
 entered in the office of the clerk of the within named Court on

NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
 Hon. [redacted] one of the judges of the within named Court,

Dated: 09/24/07

SERIAL# 36

Attorneys for

KERNER & KERNER

Plaintiff

74 TRINITY PLACE

20071004010

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----x
YVETTE FAULKNER,

Index No.: 15704/07

Plaintiff,

-against-

JEAN PIERRE JUDES, a/k/a JUDE JEAN-
PIERRE and NILT, INC., a/k/a NISSAN
INFINITI LT.,

VERIFIED ANSWER
TO THE AMENDED
VERIFIED COMPLAINT

Defendants.

-----x
COUNSEL:

Defendant, NILT, INC., sued incorrectly herein as “NILT, INC. a/k/a NISSAN INFINITI LT.” (“NILT”), by its attorneys, LONDON FISCHER LLP, as and for its Answer to the Amended Verified Complaint, alleges upon information and belief, as follows:

1. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs “1”, “2”, and “7” of the Amended Verified Complaint.
2. Admits each and every allegation contained in paragraph “3” of the Amended Verified Complaint.
3. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs “4”, “5”, and “6” of the Amended Verified Complaint, on the grounds that the pleadings lack sufficient identifying information to permit this defendant to plead otherwise.

4. Denies each and every allegation contained in Paragraphs "8", "9", "10", "12", "13", and "15" of the Amended Verified Complaint.

5. Denies each and every allegation contained in Paragraphs "11" and "14" of the Amended Verified Complaint, and respectfully refers all questions of law to the Court.

AS AND FOR A FIRST SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE

6. The accident complained of was caused in whole or in part by the culpable conduct attributable to the plaintiff, including comparative fault and/or assumption of risk.

7. Plaintiff should be barred from recovery by reason of the fact that the subject accident was entirely the result of the culpable conduct and/or assumption of risk on the part of the plaintiff, or, in the event that plaintiff is entitled to recover, the amount of damages otherwise should be diminished in the proportion to which the culpable conduct and/or assumption of risk attributable to plaintiff bears to the culpable conduct which caused the damages.

AS AND FOR A SECOND SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE

8. Upon information and belief, any damages sustained by plaintiff, as alleged in the Amended Verified Complaint, were caused by parties other than NILT.

AS AND FOR A THIRD SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE

9. Any amount that may be awarded to plaintiff as against NILT must be reduced by the amount received from or indemnified by any collateral source pursuant to CPLR §4545(c).

**AS AND FOR A FOURTH SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE**

10. In the event that any person or entity liable or claimed to be liable for the injury alleged in this action has been given or may hereafter be given a release or covenant not to sue, NILT will be entitled to protection under General Obligation Law §15-108 and the corresponding reduction of any damages which may be determined to be due against NILT.

**AS AND FOR A FIFTH SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE**

11. Upon information and belief, plaintiff either failed to use, failed to use properly, or misused the available seat belts or other applicable safety devices, as a result of which plaintiff's injuries were either sustained and/or aggravated.

**AS AND FOR A SIXTH SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE**

12. As against NILT, this action is barred by federal preemption pursuant to 49 U.S.C. § 30106.

**AS AND FOR A SEVENTH SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE**

13. Plaintiff did not sustain a serious injury as defined by §5102(d) of the Insurance Law of the State of New York.

AS AND FOR A EIGHTH SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE

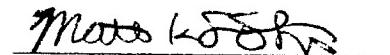
14. That the liability of the answering defendant, if any, is limited to the percentage of culpability found against them by virtue of the fault of the other parties (both named and unnamed) and in accordance with the laws of the State of New York.

WHEREFORE, defendant hereby demands judgment dismissing the Amended Verified Complaint herein, together with the costs and disbursements of this action, including attorneys' fees, and for such other, further and different relief as this Court may deem just and proper.

Dated: New York, New York
November 1, 2007

LONDON FISCHER LLP

By:


Matthew K. Finkelstein
Attorneys for Defendant
NILT, INC., sued incorrectly
herein as NILT, INC. a/k/a
NISSAN INFINITI LT.
59 Maiden Lane
New York, New York 10038
(212) 972-1000

To: Richard A. Kerner, Esq.
Attorney for Plaintiff
YVETTE FAULKNER
74 Trinity Place
New York, New York 10006
(212) 964-1098

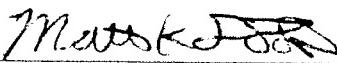
JEAN PIERRE JUDES
Defendant Pro Se
117 Maple Avenue
Stamford, Connecticut 06902

ATTORNEY'S VERIFICATION

MATTHEW K. FINKELSTEIN, being an attorney duly admitted to practice before the Courts of the State of New York, hereby affirms the following to be true, under the penalties of perjury:

1. Affirmant is an associate of the law firm LONDON FISCHER LLP, attorneys of record for Defendant, NILT in the within action, and is fully familiar with the facts and circumstances set forth herein.
2. Affirmant has read the foregoing Verified Answer, knows the contents thereof, and the same is true to affirmant's own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters affirmant believes them to be true.
3. Affirmant further states that the reason this verification is made by the undersigned and not by the NILT is because NILT's principal place of business is not in the County where affirmant maintains his office.
4. The grounds of affirmant's belief as to all matters not stated to be upon affirmant's knowledge are as follows: information furnished by NILT and counsel's file.

Dated: New York, New York
November 1, 2007



MATTHEW K. FINKELSTEIN

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

YVETTE FAULKNER,
Plaintiff,

-against-

JEAN PIERRE JUDES, a/k/a JUDE JEAN-
PIERRE, and NILT, INC., a/k/a NISSAN
INFINITI LT,

Defendants.

X
**AMENDED VERIFIED ANSWER TO
AMENDED VERIFIED COMPLAINT
Index No. 15704/07**

The defendants, JEAN PIERRE JUDES, a/k/a JUDE JEAN-PIERRE by the LAW
OFFICE OF MARY A. BJORK, his attorney, as and for defendant's Answer to the
Amended Verified Complaint herein, alleges as follows:

FIRST: Denies any knowledge or information sufficient to form a belief as to the
allegations contained in paragraphs designated as 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14
and 15 of the Amended Verified Complaint herein.

SECOND: Denies each and every allegation contained in paragraphs
designated as 9 and 10 of the Amended Verified Complaint herein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE
THIS ANSWERING DEFENDANT ALLEGES:

That the Court lacks jurisdiction of the person of the defendant, JEAN
PIERRE JUDES, a/k/a JUDE JEAN-PIERRE.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE
THIS ANSWERING DEFENDANT ALLEGES:

Any damages sustained by the Plaintiff were caused by the culpable conduct of the Plaintiff, including contributory negligence or assumption of risk, and not by the culpable conduct or negligence of these answering Defendants.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE
THIS ANSWERING DEFENDANT ALLEGES:

Upon information and belief, Plaintiff failed to use or misused seat belts, and thereby contributed to the alleged injuries.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE
THIS ANSWERING DEFENDANT ALLEGES:

That, upon information and belief, plaintiffs' economic loss, if any, as specified in Section 4545 of the CPLR was replaced or indemnified in whole or in part from collateral sources and defendants are entitled to have the Court consider same in determining such special damages, as provided in Section 4545 of the CPLR.

WHEREFORE, this answering defendant demands judgment dismissing the Amended Verified Complaint herein with costs.

DATED: Yonkers, NY
December 3, 2007

Yours, etc.,

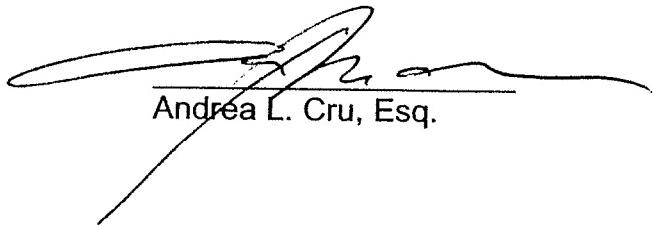
LAW OFFICE OF MARY A. BJORK
Attorney for Defendants
JEAN PIERRE JUDES, a/k/a JUDE JEAN-
PIERRE
3 Executive Boulevard, 3rd Floor
Yonkers, NY 10701
Telephone: 914-966-5058
Our File No. 3965860532.1-

ATTORNEY VERIFICATION

Andrea L. Cru, Esq., an attorney admitted to practice in the courts of this State, being associated with the attorneys for the defendant in the within-entitled action, affirms under the penalty of perjury and pursuant to CPLR §2106, that she has read the foregoing Answer and knows the contents thereof and the same is true to the knowledge of your affirmant, except as to the matters herein stated to be alleged upon information and belief, and that as to those matters, she believes them to be true.

Affirmant further states that the reason why these papers are not being verified by the defendant is that said defendant, upon information and belief, does not reside within the county wherein affirmant has her office. That the grounds of affirmant's belief as to all matters not therein stated to be alleged upon her knowledge are investigations and information received by affirmant in the course of her duties as an attorney for the said defendant.

DATED: Yonkers, New York
December 3, 2007



Andrea L. Cru, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----x
YVETTE FAULKNER,

Index No.: 15704/07

Plaintiff,

-against-

JEAN PIERRE JUDES, a/k/a JUDE JEAN-
PIERRE and NILT, INC., a/k/a NISSAN
INFINITI LT.,

DEMAND PURSUANT
TO CPLR § 3017 (c)

Defendants.

-----x

C O U N S E L :

Defendant NILT, INC., sued incorrectly herein as “NILT, INC. a/k/a NISSAN INFINITI LT.” (“NILT”) through its undersigned counsel, hereby demands that within fifteen (15) days of this request, plaintiff provide a supplemental demand setting forth the total damages to which the plaintiff deems himself entitled to recover for personal injuries.

Dated: New York, New York
November 1, 2007

LONDON FISCHER LLP

By:



Matthew K. Finkelstein
Attorneys for Defendant
NILT, INC., sued incorrectly herein as
NILT, INC. a/k/a NISSAN INFINITI LT.
59 Maiden Lane
New York, New York 10038
(212) 972-1000

To: Richard A. Kerner, Esq.
Attorney for Plaintiff
YVETTE FAULKNER
74 Trinity Place
New York, New York 10006
(212) 964-1098

JEAN PIERRE JUDES
Defendant Pro Se
117 Maple Avenue
Stamford, Connecticut 06902

K:\119\178\Pleadings\3017 demand.doc

Exhibit E

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
YVETTE FAULKNER,

Plaintiff,

-against-

JEAN PIERRE JUDES, a/k/a JUDE
JEAN-PIERRE, and NILT, INC., a/k/a
NISSAN INFINITY LT,

Defendants.

-----X
**RESPONSE TO
SUPPLEMENTAL DEMAND
FOR RELIEF**

Index No.: 15704/2007

COUNSELORS:

PLEASE TAKE NOTICE, that pursuant to CPLR § 3017 (c) and in response to the defendants supplemental demand for relief setting forth the total damages to which the pleader deems himself entitled sets forth as follows:

As a result of the complained of accident, plaintiff has been damaged in the sum of FIVE MILLION DOLLARS (\$5,000,000.00).

DATED: NEW YORK, NEW YORK
January 30, 2008

Yours, etc.,

ROSENBERG MINC FALKOFF & WOLFF LLP

By: _____

Steven C. Falkoff

Attorneys for Plaintiff
122 East 42nd Street - Suite 3800
New York, NY 10168
212-697-9280
Our File No. 28695

TO:

LONDON FISHER LLP

59 Maiden Lane

New York, NY 10038

(212) 972-1000

Attorneys for Defendant(s)

NILT, INC. a/k/a NISSAN INFINITY LT.

LAW OFFICE OF MARY AUDI BJORK

3 Executive Boulevard

3rd Floor

Yonkers, NY 10701

(914) 966-5000

Attorneys for Defendant(s)

JEAN PIERRE JUDES

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

119-178

Calendar #

325 (d)

PRELIMINARY CONFERENCE ORDERPursuant to Part 202 of the Uniform Civil
Rules for the Supreme Court

HON. Allison T. Tratt
Preliminary Conference Part
Index Number 15704/2007
Conference Date Mar 17, 2007

APPEARANCES : Plaintiff: Yvette Wallace
 Firm: 1000 Atlantic Avenue, Brooklyn, NY 11235
 By Attorney: DOLETT & BROWN Phone: (718) 677-2000
 Carrier: _____
 Defendant 1: Jean B. Lee
 Firm: Law Offices of H. Jay Nard, LLP
 By Attorney: Phone: (718) 766-1222
 Carrier: _____
 Defendant 2: Taylor & Niles, Inc. d/b/a Vision
 Firm: 1000 Atlantic Avenue, Brooklyn, NY 11235
 By Attorney: Melissa L. Fink Phone: (212) 737-3736
 Carrier: _____
 Defendant 3: _____
 Firm: _____
 By Attorney: _____ Phone: _____
 Carrier: _____ Phone: _____ Coverage Amount: _____

I **INSURANCE
COVERAGE:** To be furnished within 30 days.

II **BILL OF
PARTICULARS:** 1. Not submitted: Bill of Particulars to be served by _____

2. Served: 2(a). Satisfactory 2(b). Unsatisfactory
 3. Supplemental bill of particulars to be served _____
 4. Bill of particulars for affirmative defenses to be served
within 30 days

Demand for a Bill of Particulars - 30 days

III **MEDICAL REPORTS
AND HOSPITAL
AUTHORIZATIONS:** 1. Furnished (Except: _____)
 2. Medical reports or authorizations for records to be served
 3. Hospital authorizations to be served within 30 days

Demand for a Bill of Particulars - 30 days

IV **PHYSICAL
EXAMINATION:** 1(a). Held 1(b). Waived
 1(c). Examination of Plaintiff
 To be held within 60 days of plaintiff's EBT

2(a). Physician's report furnished
 2(b). Copy of physician's report to be furnished to plaintiff
within 110 days

PRELIMINARY CONFERENCE ORDER**Page 2 of 2****V EXAMINATION BEFORE TRIAL:**

1. Plaintiff Defendants All parties
 2. To be held at March 20, 2008
 Date: April 30 Time: 10:00 AM PT
 3. Held (Except: None) Waived

VI OTHER DISCLOSURE:

1. None
 2. All parties to exchange names and addresses of all witnesses, opposing parties' statements, and photographs. If none, an affirmation to that effect shall be exchanged.
 3. Authorizations for plaintiff's employment records (HR) including W-2 for period January 1, 2003

Declaration is prepared to produce
all relevant documents and testimony
pertaining to the above dates

To be completed within 45 days
Planned to record the above by 11/1/07 in the following manner
dated 11/1/07 at 10:00 AM PT in the office of J.S.C.

VII IMPLAIDER ACTIONS: 1(a). None

1(b). To be commenced 60 days after all EBT's.

VIII DESIGNATED FOR TRANSFER:

- 1(a). CPLR 325 (c)
 1(b). CPLR 325 (d)

IX ADDITIONAL DIRECTIVES:

- See attached page for additional directives

X ALL PARTIES:

Are directed to complete discovery on or before _____
 and appear for a compliance conference on 7/20/08

Any statutory stays of disclosure due the pendency of motions pursuant to CPLR 3211, 3212 and 3213 are vacated.

Counsel will be required to justify, at the Compliance Conference, failure to adhere to the discovery schedule set forth herein.

In the event of non-compliance, costs or other sanctions may be imposed.

This constitutes the decision and order of this court.

Dated: 1/1/08

Enter: 1/1/08

J.S.C.

Parties must adhere to all dates contained herein relating to the completion of items in this order. Counsel may not enter into any adjournments without further order of this court.
 SC. NO. 8A Rev. 12/04/04